

Comparative Political Systems

Dr Adel Khalil

The Government of the USA

A Summary

The American constitutional is very brief. It is only 7 articles and supplemented by 26 amendments. Articles and amendments are only concerned with fundamentals.

*** The basic principles of the American Constitution**

➤ Popular sovereignty

1. Sovereignty refers to the ultimate source and supreme final legal power. Supreme power in USA is vested and resides in American people and not the English King or the Parliament.
2. In ***Yates Case (1957)*** the US Supreme Court said that Sovereignty justifies revolutionary ideas but not revolutionary actions. The Court made distinction between Theoretical beliefs and revolutionary action. The latter is illegal and punishable.

➤ Representative Government and not direct democracy

1. The constitution provides for a representative system of government instead of direct democracy. In direct democracies people exercise power in public meetings by themselves instead of elected representatives.
2. The pattern of government in USA as a whole is one of government by elected representatives. In very limited cases some methods of direct democracy are used such as national initiative (recall) and referendum.

➤ Separation of powers enforced by checks and balances

1. The separation of powers principle means a division of functions of government among the executive, legislative and judicial branches of national government. In USA this principle is supplemented and supported by a system of checks and balances whereby each branch of

government is responsible and checked by different and another political institutions.

2. Thus **Congress** is checked by the existence of two houses with special powers to the Senate, by Presidential veto, and by the judicial review. The **President** is checked by the right of Congress to enact appropriations, override the Presidential veto, Impeach of the President, by the right of the Senate to approve treaties and certain high officials' appointments and by judicial review. The **judicial Branch** is checked by presidential appointment of judges, by congressional power to impeach and to determine the size of the appellate jurisdiction of the courts.

➤ **A Federal System of Government**

1. The American constitution adopted a federal instead of a unitary system of government. American federalism involved the distribution of governmental powers between the Central government located in Washington D.C and the individual 50 states...The constitution delegated the central government enumerated (specified) powers and reserved the residual powers to individual states of the Union.
2. Technically speaking **Federal Government** refers to the whole governmental system including national and state governments.

➤ **The Supremacy of National Government over States' Governments**

1. The power to settle jurisdictional conflicts between national and states' governments is placed in the hands of the national government.
2. For this reason the constitution expressly states that the federal constitution, acts of congress and treaties are the "supreme law of the land". That means the acts of congress supersede and replace states' constitutions and legislations.

➤ **Judicial Review of Constitutionality of Laws**

1. Judicial review means the right of courts to declare illegal acts of congress unconstitutional and invalid.
2. Although there is no express provision in the federal constitution, the US Supreme Court has exercised the power of judicial review from the beginning of the American history since the famous case **Marburg V. Madison (1803)**.

3. Applying the principle of judicial review by the US.SCT made it the most powerful judicial agency in the world. It helped to enforce the principle of separation of powers in USA.

➤ **Limited Government and respect for Individual rights**

1. Constitutional rights and freedoms of individual cannot be restricted either by national or state government.
2. The Bill of Rights and the Civil War Amendments make some individual rights untouchable either by national or state's action. For example the federal constitution prohibits any national or state act leading to the deprivation of life, liberty or property without due process of law.

✱ **Interest Groups and Political Parties**

- Interest groups play an essential role in the American political system. The term of interest groups covers collection of people trying to influence government policies or decisions.
- The reasons for growing the interest groups in USA can be grouped in the following factors:
 1. Economic specialization.
 2. Continuing technical revolutions that touch special interests.
 3. Legal tradition of respect for freedom of association.

➤ **Organized Interest Groups in the USA**

Include:

1. Labor groups
2. Farm groups
3. Business groups
4. Professional groups, such as medicine(AMA), law(ABA)
5. There are other groups based on non occupational interests such as veterans' organizations, ethnic groups, religious...etc

➤ **American Pressure groups**

1. **Lobbying** is a very well known method of pressure used by interest Groups in USA. .
2. The lobby seeks to influence legislators and administrators through

Specific methods of influence such as:

- Campaign contributions and favors given by corporations.
- Influencing the public at large through mass-media which results in indirect pressure on legislative and administrative bodies.
- Campaign assistance to friendly candidates for public office.
- Campaign opposition to unfriendly candidates for public office.
- Influencing party platforms and selection of party candidates

3. The reasons for the strength of the pressure groups in US politics:

- The American political environment which is characterized by:
 1. Separation of powers among governmental authorities.
 2. The federal system.
 3. Less disciplined political parties.
 4. The variety and multiplicity of independent agencies
 5. Popularly elected officials at the state and local level.

All of these factors contributed to the existence of interest groups, and encouraged them to seek influence. Their organized efforts can be heard.

➤ *AIPAC*

- It stands for American Israel Public Affairs Committee.
- It is the most powerful pro-Israel political interest group in USA.
- AIPAC lobbyists meet every member of congress (H&S), and cover every hearing in H&S that touches on US-Israel relationship.
- It was founded in 1950 after the establishment of state of Israel, and has 65,000 members across all 50 states.
- Its present goals:
 1. Preventing Iran from acquiring nuclear weapons.
 2. Preparing the next generation of pro-Israel leaders

➤ *American Political Parties*

1. The basic difference between political parties and pressure groups in USA is that the first seek political power and control of government through electing its candidates for public office. Whereas pressure

Groups seek control of certain governmental policies and do not nominate any candidate for office.

2. A pressure group may seek support from all parties and provide campaign support for many candidates who accept the goals and attitudes of the interest group. Examples of pressure groups are groups seeking environmental protection, anti-war groups, pro-Israel pressure groups.
3. The two major parties in USA are the Democratic and Republican parties. They have no formal enrollment, no dues, and no rules of behavior. No specific sanctions are imposed for improper conduct by party officials or followers.
4. There is no formal membership but just party affiliation. Thus individuals may vote for either party.
5. Despite the constitution does not refer to them, political parties have become important in political life in USA.
6. Americans have become suspicious of political parties for several reasons:
 - The belief that there are no real differences in programs between the two major parties.
 - The party obsession with patronage and spoils.
 - Invisible government and behind the scene bosses.
 - Reputation of corruption as a means to gain and retain power.
7. The demarcation line between the Republican and Democratic parties is not clear, and each party is divided into various wings such as left and right or Northern or Southern.
8. Even though the two parties have differed on particular issues at specific periods of history, these attitudes have changed over years and sometimes have been reversed. Example is the attitude of the two parties' concerning the issue of national and state powers.

*** Governmental Institutions**

➤ The Presidency

1. There are two views of the American Presidency:
 1. One is that the American presidency is the most powerful single office in the world,

2. The other is that the American presidency has become so institutionalized with surrounding staff and agencies that the president has limited freedom of choice within the American political system.

2. Presidential powers under the constitution:

- The whole executive power is vested in him only. He has power to appoint officials, charged with making sure that laws are faithfully executed. He can veto legislations, call Congress into special session and make treaties. He is the chief of all armed forces and enjoys the power of pardon in all federal cases except impeachment.
- Historically the President has expanded his powers to meet emergencies, such as war, depression, Congress inaction in time of crises and popular demand for leadership.

3. The growing institutionalization of the Presidency:

- Recent studies of Presidential decisions-making process indicate the increasing tendency toward institutionalization of the Presidency.
- Some observers suggested that the great part of Presidential decisions are shaped by staff members and agencies around him which may give them the opportunity to manipulate and control the President
- The Executive Office Of the President is composed of complex of agencies.(see p. 60 of the Text Book)
- The President's Cabinet is formed of number of presidentially appointed Secretaries of state who work without any guidelines. Unlike the British Cabinet, they work directly with the President and accountable only to him. They do not work collectively and thus there is no collective responsibility before congress.
- American observers always ask whether the American President has become highly individualistic and powerful ruler (or) surrounded by pre-decision centers which manipulate his decision-making power.
- The answer lies somewhere between these two extremes. The pattern of decision-making of any given President depends on his own ability, personality and reaction to politics.

➤ Congress

Congress is the legislative body of the Federal Government. It is made of two houses. The House of Representatives and the Senate. The H is composed of a number of representatives according to the size of population in every state in the Union. The S is composed of 100 Senators. Every State is represented by two Senators regardless of the size of its population.

1. The powers of Congress under the constitution.

- The basic function of Congress is passing national legislations applicable to all 50 states.
- In addition it enjoys powers related to proposals of constitutional amendments, electoral powers in certain Presidential election in case of deadlock, impeachment powers, investigatory powers and the power to admit new states to the Union.

2. Powers of the Senate:

- Senate alone enjoy certain administrative powers, such as, the confirmation of presidential appointments of high ranking officials, and giving of advice and consent to treaties.
- Over years powers of the senate have increased in some respects but decreased and lost to the President in some other respects (war powers).

3. Characteristics of the American legislature (the Congress).

• Bicameralism.

1. It is the most important feature which distinguishes the American Congress with legislative bodies in other systems.
2. The American Congress is composed of two houses. The 100 members of the Senate and 435 members of House of Representatives **remain virtually equal in legislative powers**. Congress has not followed the British pattern of reducing the power and influence of the upper house (i.e. House of Lords).

• The Role of Committees.

1. House and Senate Committees are very important and called "Little Legislatures".
2. The basic legislative-making decisions are made in Committees. Congressional Committees have the power to kill any bill and preventing it from passing as a law.
3. The legislative work of the H and S depend on their Standing

Committees.(H has 20 and S has 16).

4. Some Committees are so large that they are divided into Specialized Sub-Committees. For example Special Com. on the Termination of National Emergency.

Seniority system in selecting committee's chairmen.

One of the basic traditions of Congress in both Houses is the seniority rule governing selection of committee chairman. The men who fill these positions are locally chosen and locally responsible to their constituency. Thus seniority depends upon the decision of voters in their districts who send the representing legislators back to congress time after time to give them seniority.

• Blocking passing the Law in the senate using the technique of Filibuster.

1. Filibuster is a tradition followed in the Senate by which no time limit is imposed in debating in the floor until the end of the session.
2. The Technique enables minority groups to block any piece of legislation by making a very long speech in order to delay voting. As a result either filibuster or threat of filibuster by an organized senate minority is sufficient to block the chances of passing certain kinds of legislations.

• President's role in the work of Congress

1. He plays an important role in the work of congress both, by virtue of constitutional provisions and by his traditional extra-constitutional powers.
 - ❖ The constitutional powers include sending of messages to Congress, proposing of legislation, the veto power of bills and the power to call special sessions.
 - ❖ The extra-constitutional powers are not provided for in the constitution but emerged from presidential practices. They include the threat of veto, discriminatory use of patronage power, personal persuasions through individual contacts with key congressmen, and direct appeal to the public through televised speeches, press conferences and the like.
2. The skillful use by the President of these legislative powers can make him the chief legislature in practice.

• Gerrymandering Practice

1. Throughout of its history Congress has been criticized of allowing overrepresentation of rural areas, some groups, and interests.
2. The method used by state legislatures to accomplish overrepresentation in Congress called Gerrymandering.
3. Gerrymandering is a practice of drawing congressional district lines in a manner leading to increasing of the strength of one targeted group at the expense of another, or dispersing the voting block of one party among many districts ending up with minority votes.

• Ratification of treaties by Senate

1. The constitutional requirement of the consent of a two third majority of the Senate as a condition for the ratification of treaties has been strongly criticized as used in practice. It was used, for example, by the minority in the Senate to keep US out of the League of Nations.
2. In recent years and in order to get around the constitutional requirement of two third of the Senate majority, the President has used the method of Executive Agreement to conclude international treaties by legislation rather than by formal treaty. EA does not require Senate majority but just simple majority by both houses(H&S)

• Abuse of Congressional Investigations

1. The investigatory power of Congress is very important and indispensable in law-making process.
2. Many Congressional investigations have uncovered important misconduct in and outside the government. The most recent example is Congressional investigation concerning the 9/11 Tragedy which revealed shortcomings in the work of CIA & FBI.
3. Sometimes the investigatory power have been abused and resulted in strong criticism to Congress. Example is Congressional investigation of un- American activities during McCarthy era which are directed against liberals and leftists and resulted in dismissal from work.
4. In recent years congress has used investigations for partisan malice. Examples Watergate and Monica Lewinsky-

Clinton investigations.

5. The US SCT has established limits to the investigatory powers of congress and indicated that no one can be compelled to testify before a committee if these limitations are violated by Congress.

- Congressmen favors for their constituency (voters)

Congress is also criticized as congressmen spend much time to do favors for their electors. But this is the best way to secure re-election. It emphasizes the human role of congressman as a mediator between the bureaucracy and ordinary citizen.

➤ The American Judiciary

1. The American constitution provided for only one federal court (US SCT), and authorized Congress to establish inferior federal courts as well as determining their size.
2. Since USA has federal system of government which includes two levels of government (national & state), there exists two kinds of court system i.e. federal and state.
3. Only state courts have jurisdiction over some kinds of cases, such as **intra-state** commerce. Federal courts have jurisdiction over certain kinds of cases, such as **inter-state** commerce. Both court systems have jurisdiction over other kinds of cases such as police and security matters.
4. The US Supreme Court is composed of nine judges, one of them serve as Chief Justice. All federal judges are appointed by the President with the advice and consent of the Senate. They serve for life as long as they maintain good behavior.
5. Presidential appointments of SCT judges have been made on political considerations. The President makes sure of their party affiliations and pays attention to their political, social and economic views.
6. SCT judges are in true sense politician and are aware of the political implications of their decisions. It is recognized by political observers that the SCT often makes law rather simply discovering it.

➤ *The Bureaucracy(the Administrative system)*

1. The administrative system in USA has its unique character because of the federal system. , i.e., existence of many levels of government (federal-state-local-special districts. .etc)
2. Public officers are subject to dual and even triple accountability i.e. to the President and Congress as well as the judiciary. They are also indirectly subject to demands from profession, pressure groups, political leaders and public opinion since they are mostly elected.
3. The organization of the bureaucracy is heterogeneous (diverse). It Includes:
cabinet departments, number of government corporations, Tennessee Valley Authority, groups of independent regulatory commissions, such as Interstate Commerce Commission. , and about 40 agencies of varying degrees.

**American Federalism in Practice*

1. Federal-state-local relationships in USA today are characterized by cooperation, coordination and the sharing of powers rather than by separation and competition.
2. Socially all levels of government have been successful to solve the problem of diversity of different ethnic groups in American society. They have been integrated in the American society (the melting pot theory).
3. States in the American federal system still play a prominent part in dealing with some areas such as, party nominating conventions, determining the make up of Congress and influencing the selection of judges.